

U.S. Patent Application Serial No. **10/519,832**
Response filed February 13, 2009
Reply to OA dated November 17, 2008

REMARKS:

Claims 6, 8, and 10 are currently pending. Claims 6, 8, and 10 have been amended herein. Claims 1-5, 7, 9, and 11-18 have been canceled herein without prejudice or disclaimer as to their subject matter.

The Examiner has rejected claims 3-18 under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 6,494,055 (**Meserole '055**) in view of U.S. Patent No. 6,234,351 (**Wilcox '351**).

Applicants respectfully traverse this rejection, for the following reasons.

In **Meserole '055**, the mix and air will be combined at point 35 as shown in Figure 4 of **Meserole '055**. The point 35 is not disposed in the refrigerated mix cabinet. The point 35 is not disposed in a cold storage. **Meserole '055** fails to describe the structure of the combined passage member in combination with the other claimed features as set forth in claim 6. **Wilcox '351** fails to remedy the above-described deficiencies of **Meserole '055**.

Meserole '055 and **Wilcox '351**, alone or in combination, fail to describe, teach, or suggest the following combination of the features as set forth in claim 6, as amended: “a combined passage member detachably attached to the cooling cylinder and disconnectably connected to the mixture

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supply passage and the air supply passage, wherein the mixture supply passage is combined with the air supply passage, and thereafter connected to the inside of the cooling cylinder by the combined passage member, and the combined passage member is disposed in the cold storage," in combination with the other claimed features.

Accordingly, in view of the above, Applicants respectfully submit that this rejection of claim 6 should be withdrawn. It is submitted that this rejection of claims 8 and 10 should be withdrawn by virtue of their dependency. It is submitted that this rejection of claims 1-5, 7, 9, and 11-18 is moot.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, the Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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